

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1507 (SLR)
)	JURY TRIAL DEMANDED
BATH & BODY WORKS, INC.,)	
and)	
LIMITED BRANDS, INC.,)	
and)	
KAO BRANDS CO. (f/k/a THE ANDREW)	
JERGENS COMPANY),)	
and)	
KAO CORPORATION,)	
)	
Defendants.)	

**DECLARATION OF DAVID M. HILL, ESQ. IN SUPPORT OF THE
OPENING BRIEF IN SUPPORT OF DEFENDANTS BATH & BODY
WORKS, INC. AND LIMITED BRANDS, INC.'S MOTION FOR
SUMMARY JUDGMENT OF INVALIDITY UNDER 35 U.S.C. § 103**

I, David M. Hill, hereby declare as follows:

1. I am a partner of Ward & Olivo, counsel of record in this action for Defendants Bath & Body Works, Inc. and Limited Brands, Inc. (collectively referred to as the "Limited Defendants"). I am a member of the Bar of the State of New York and have been admitted *pro hac vice* to represent the Limited Defendants in this action. I have personal knowledge of the matters stated in this declaration and would testify truthfully if called upon to do so.

2. Attached hereto as Exhibit A is a true and correct copy of United States Patent No. 5,063,062, dated November 5, 1991.

3. Attached hereto as Exhibit B is a true and correct copy of United States Patent No. 4,620,937, dated November 4, 1986.

4. Attached hereto as Exhibit C is a true and correct copy of an article written by Richard Coleman published in *The Citrus Industry* in November 1975.

5. Attached hereto as Exhibit D is a true and correct copy of an excerpt from The Physicians' Desk Reference, 24th ed., 1969.

6. Attached hereto as Exhibit E is a true and correct copy of United States Patent No. 4,014,995, dated March 29, 1977.

7. Attached hereto as Exhibit F is a true and correct copy of United States Patent Application Ser. No. 07/786,804 ("the '804 application") as filed on November 4, 1991.

8. Attached hereto as Exhibit G is a true and correct copy of the Board of Patent Appeals & Interferences' Decision on Appeal regarding the '804 application, dated April 15, 1997.

9. Attached hereto as Exhibit H is a true and correct copy of excerpts from the January 14, 2006 deposition of Phillip Low.

10. Attached hereto as Exhibit I is a true and correct copy of an Office Action regarding United States Patent Application Ser. No. 07/413,395 ("the '395 application"), dated June 18, 1990.

11. Attached hereto as Exhibit J is a true and correct copy of an Office Action Response regarding the '395 application, dated September 18, 1990.

12. Attached hereto as Exhibit K is a true and correct copy of an Office Action regarding the '395 application, dated December 20, 1990.

13. Attached hereto as Exhibit L is a true and correct copy of an Office Action regarding the '804 application, dated April 6, 1992.

14. Attached hereto as Exhibit M is a true and correct copy of an Office Action Response regarding the '804 application, dated July 6, 1992.

15. Attached hereto as Exhibit N is a true and correct copy of the Expert Report of John Carson, dated February 28, 2006.

16. Attached hereto as Exhibit O is a true and correct copy of excerpts from George Hurst's book entitled *Soaps, A Practical Manual of the Manufacture of Domestic Toilet and Other Soaps*, Second Edition, dated 1907.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at New York, New York, this 6th day of July, 2006.



David M. Hill